

MINUTES

CITY COUNCIL OF THE CITY OF DUARTE REGULAR MEETING – TUESDAY, MAY 14, 2002

At 5:30 p.m., a workshop was held to discuss Proposition 14 Library Grant Application. It was determined that the application submittal would be postponed until March, 2003, and the Joint Public Hearing would be postponed to an unknown date, and would be re-advertised at that time.

The City Council of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Reyes called the meeting to order at 7:14 p.m.

- PLEDGE TO THE FLAG** Marc Trummel led the Pledge of Allegiance to the Flag.
- INVOCATION** Pastor John Rex, Buena Vista Manor, offered the Invocation.
- CITY CLERK RECORDATION OF ATTENDANCE** The City Clerk recorded the following in attendance:
PRESENT: Chapjian, Fasana, Finlay, Paras, Reyes
ABSENT: None
ADMINISTRATIVE STAFF PRESENT: City Manager Duff, City Attorney Moseley
- ADOPTION OF AGENDA** Fasana moved, Finlay seconded to adopt the Agenda, as amended to consider items in the following order: Item 6 (Special Items), Item 16.C (Item from City Council), Item 7 (Oral Communications), Item 13.A (Council Bill 02-R-08), Item 13.B (Council Bill 02-R-14), Item 16.E (Item from City Council), and to continue Item 8 (Joint Public Hearing), and carried unanimously.
- ANNOUNCEMENTS** Jan Wight, Duarte Chamber of Commerce, congratulated the Duarte Diversity Group on its successful first Multi-Cultural Festival, congratulated the Duarte Rotary Club on its 50th anniversary and incoming President George Chapjian, stated the May-June issue of the Duarte View is available, and announced Networking Breakfast on May 21 at Duffer's, Chamber Installation of Officers and Directors on May 31, and Chamber Blender on June 26 at Royal Oaks Manor.
- Mary Ann Ur, 2209 Tall Pine, announced Temple Station 2002 Memorial Torch Run in honor of Deputy David March on May 17, and suggested there be a plaque in the courtyard for people who have lost their lives in the service of our City.
- Lt. David Silversparre thanked all for their tremendous support in the loss of their officer, announced Manny Mota Baseball Fest on May 18 at Live Oak Park in Temple City, provided an update on the LARCIS (Los Angeles Regional Crime Information System), stated it is being used on a 24-hour a day basis and the Sheriff's Department is interfacing with LAPD, thanked those involved that allowed the Sheriff's Department to be part of the Multi-Cultural Festival, and stated they hoped to be invited next time.

Jack Collins, 921 Mt. Olive, stated the plans for the proposed joint use library will be on display Thursday, May 16, at the Duarte Community Center.

Donna Georgino, Director of Parks and Recreation, announced People Helping People Car Wash on May 16, from 3:00 to 6:00 p.m., at the Senior Center parking lot.

Fasana announced City of Hope forum on June 12, 6:30 p.m., at the Platt Conference Center, regarding stem cell cloning.

Paras announced June is Youth Appreciation Month, and May is Asian/Pacific American Heritage Month.

Peggy Diamond, Senior Center Supervisor, announced the availability of the Lifeline Program through the American Red Cross, and stated it is an alert program for seniors that uses a medical response device.

Finlay announced the Taipei Elementary School Youth Orchestra will be performing on July 12, 7:00 p.m., at the Performing Arts Center.

Chapjian stated the Lifeline Program is invaluable, and those interested can contact the Duarte Senior Center.

Fasana requested the City Council Meeting be adjourned in memory of Deputy David March.

FISCAL AFFAIRS

Chapjian moved, Paras seconded to approve payment to the Southern California Edison Company, and carried with Fasana abstaining due to a declared conflict of interest.

Finlay moved, Fasana seconded to approve the remainder of Fiscal Affairs, and carried unanimously.

SPECIAL ITEMS Duarte High School Cheerleaders

Gloria Leyba, Cheerleading Advisor/Head Coach, introduced Duarte High School cheerleaders, and announced awards recently received. The cheerleaders performed a number of cheers and stunts. Mayor Reyes presented Certificates of Appreciation to the Duarte High School cheerleaders for their outstanding achievements, and congratulations were extended.

Proclamation – Lois Gaston Older Americans Month

Mayor Reyes read and presented the Proclamation for Older Americans Month to Lois Gaston, Duarte's Outstanding Older American, and congratulations were extended.

ITEM – CITY COUNCIL Timely conclusion of City Council Meetings (Fasana)

Fasana stated it is good there is a lot of public interest and involvement at the City Council meetings, stated many cannot stay until the end of the meetings, and suggested the goal of adjourning at 11:00 p.m., reassessing the Agenda at 10:00 p.m., the possibility of a three-minute limit for remarks at either the first Oral Communications item or the second, the use of a timing device, and that speaker forms be filled out.

Steve Hernandez, 2325 Park Rose, stated there are a number of issues in the City, stated he agrees that meetings

have been excessively long, stated he disagrees with cutting down on the time for speaking, suggested looking at the cause, stated division is going to grow bigger, and stated people have an interest and attention needs to be paid to that.

Jeff Woodson, 2334 Beardslee, stated if serving the City is taking too much of the Councilmembers' time, they should step down, requested there be no revision to the time for speakers and no changes in the Oral Communications items, stated the state of affairs of the City requires full attention, stated the citizens are getting involved and should have an opportunity to speak freely, and their input should not be stifled.

Linda Acosta, 2656 Bashor, stated she feels limits need to be enforced, suggested speakers get to the point, asked that Councilmembers not be abused, stated it is hard to function if one is tired and exhausted, and stated she felt 10:00 or 11:00 should be the latest.

Lynn Glover, 195 Westvale, stated it would be undemocratic to put constraints on speaking, stated he wants to readdress the issue of leadership, and asked that there not be further restraints put on people expressing themselves.

Ernie Martinez, 482 Woodbluff, stated he could not speak at the last meetings since he had to go home, stated under the Oral Communications item, many speak about things on the Agenda, felt if many people want to speak on one topic, it could be limited to three minutes, and stated all should have the same amount of time to speak, as that is the fair thing to do.

Fasana asked the City Attorney if changes could be implemented at this Council Meeting.

Moseley stated the purpose of the City Council meetings is to conduct the business of the City, the public has a right to comment on Agenda items, the City Council has a right to regulate the amount of time allowed for public comment, stated what is being discussed is not intended to limit democracy, rather it promotes democracy by allowing the business of the City to be discussed, voted on, and resolved, and stated if City Council desires, it would be appropriate to consider limiting the speakers to one time at either Oral Communications item.

Fasana moved, Finlay seconded that the public have an opportunity to speak at either Oral Communications Item 7 or 15, not both, for a limit of five minutes.

There was discussion about the importance of people having an equal opportunity to speak, previous Agendas having only one Oral Communications item, keeping track of the time, not limiting the right to speak, opportunity for more people to speak, revisiting this item in three months, not restricting people, moving the meetings along, possibility of citizens lining up and being ready to speak, suggestion of using speaker cards, possibility of limiting the second Oral Communications item to one minute for

someone who spoke under the first item, possibility of postponing some Agenda items, possibility of allowing three minutes at each Oral Communications item, and the need for a timer.

Moseley asked that the motion be phrased again. Fasana stated the motion on the table is five minutes for the first item, or five minutes for the second item, or one minute if someone spoke prior, and stated it may be administratively easier to allow three minutes for each time.

Fasana withdrew his motion, and stated he may bring this item back at the next meeting.

ORAL COMMUNICATIONS

Lino Paras, 2523 Elda, stated when the City Council did not meet for one meeting, it violated the City Code, stated he requested the City Manager's contract on April 11 and received it on April 24, stated it deprived him to input properly with regard to that item, stated he questions the validity of the amendments to the contract, stated they do not comply with the Government Code, and stated there is not an established procedure at City Hall with regard to a written request.

Jeff Woodson, 2334 Beardslee, asked where the residents of Duarte find hope, thanked the Mayor for addressing some of the allegations against him, stated he met with the Mayor on May 9 and was satisfied with most of the answers, stated he will call the District Attorney's office, FPPC, American Federation of Labor Congress of Industrial Organizations, the American Civil Liberties Union, and other agencies tomorrow morning for an investigation, stated he will take action if the statements are false or true, stated this is a search for the truth, and stated it is time for the citizens to have all the answers.

Bill Hyatt, 2437 Maynard, stated he hopes Mrs. Finlay made the employees' statement public for the right reasons, stated the employees are put in the middle of a political time bomb, stated if the reason is to try to discredit Mr. Reyes, they should demand an investigation into the allegations in the letter, stated originally the employees were unionizing due to the shaky economy, stated the Mayor has no power to fire employees, stated this has been stalemated for two months, stated the Commission seat needs to be filled, inquired about the Downtown Duarte Task Force, and stated Mrs. Finlay's biography includes a lot of I's.

Henry Baltazar, 543 Elkhorn, stated he is sick and tired of the letters, stated he admires that Mr. Reyes sends out newsletters, stated Mr. Reyes was the whistle-blower for the Pic 'N Save shopping center, stated he is tired of Mr. Reyes being a scapegoat, stated he feels Duarte is sitting at a plateau, stated Mr. Duff has done a lot for the City and took us out of the red, stated he thinks it is time for a new City Manager, and stated if Mr. Duff wants to stay, he would be more than happy to keep him, and asked that the City goes in the right direction.

Randy Sales, 1529 Second, stated County sewage is spilling into the City's storm drains, stated he believes the ficus trees are getting into the joints, suggested removing a

few trees each year starting on the east side, and suggested choosing another type of tree.

Steve Hernandez, 2327 Park Rose, stated there were two votes at the last meeting that disturbed him, stated Ms. Paras can bring new light and he hopes she can become her own person, stated he believes Mr. Duff is the right person for the job, stated the City Council should get rid of problems that have caused Mr. Reyes to be brought up there, stated the parks and Walmart center are the issues, and stated Mr. Reyes is there because no one else would listen.

Elvira Still, 525 Mountaincrest, stated the bickering needs to stop, stated since Mr. Reyes is outspoken and lets everyone know what he wants to accomplish, that makes him an easy target, stated much time and energy have been used, and stated she hopes City Council can accomplish great and good things.

Alexandria Sanchez, Weber's Printing, stated she is a small business owner, stated invoices for Mr. Reyes' 1993 campaign were never paid, letters and phone calls were ignored, her attorney's letters were ignored, stated he should make an attempt to pay the small businesses, stated Mr. Reyes' contributions statement for 1997 shows he made a payment to Weber's, stated she did not do printing for him after 1994, and stated with accrued interest, she is owed a total of \$3,599.38.

Mayor Reyes stated he appreciated her work, this was a campaign debt, he could not raise the money, a collection agency secured his bank account, and stated the debt was satisfied.

Matthew Griffin, 1950 Buena Vista, stated it took 15 minutes for Council to discuss how to shorten meetings, thanked the City for the new equipment at Beardslee Park, asked that the bathrooms be open as long as the park is open, stated there is a problem with shopping cart retrieval on Buena Vista, stated the railroad crossings at Mountain and Buena Vista go down when there is no train and stated this is a traffic and safety issue, stated the seniors need a curb service transportation, and thanked the crossing guard on Buena Vista for doing a great job.

Pat Wood, 2447 Huntington, stated the Multi-Cultural Festival was a great thing for the community, corrected the statement attributed to her in the newspaper where she was quoted as saying there are racial and class tensions, stated she never said the word "class", thanked the citizens who saw the youths with a gun on the bike path, and stated Finlay, Fasana, and Chapjian can make things happen.

Chapjian inquired of Ms. Wood about the newspaper article where she states the south side of Duarte is not receiving the same level of service as the north side. Ms. Wood stated she was referring to tree trimming, sidewalks, and street sweeping, and stated her data was received by traveling around the community. Chapjian stated since 1988, the City has spent \$1.9 million south of Huntington Drive, and \$602,000 north of Huntington Drive

Ed Vasquez, 1357 Noyon, stated he is happy to see the playground equipment at Beardslee Park, stated he thinks

the City picnic should be at Beardslee Park, thanked all the volunteers who supported and participated in the Multi-Cultural Festival, and stated he took offense at the headline in the Pasadena Star News about the Diversity Group.

Joanne Chiles, 1010 Miltonwood, stated she feels inclusion is important, stated she supports Duarte, stated her friends had to leave their homes for car dealerships, stated problems started when the Colombia Bowl was torn down, stated Buena Vista and Huntington Drive is not the right location for a biotech center, stated the center should have a facelift, stated only three people listened to what was being said, stated accusations have to stop, and stated citizens have a right to speak their minds.

Lynn Glover, 195 Westvale, provided copies of material to City Council about the leadership vacuum, discussed responding to others' behavior, stated this is an ethical and moral crisis, stated all are in this together and everyone counts, stated it is wrong to get rid of someone with whom you disagree or cannot get along as it is an admission of failure, stated a segment of the community has cares and concerns that Mr. Reyes champions, stated a consensus must be built, and asked that Council get out of the standoff on the Planning Commission.

June Glover, 195 Westvale, related a message from astronaut Jerry Lenninger who joined two Russians in a five-month mission aboard the Russian space station Mir, stated he was a minority with no recourse, he devised a way to save the crews' lives and they became soul mates, and stated it is pathetic that we cannot get along.

Mark Montgomery, 1544 Delford, stated he felt the DA's office should investigate the editorial board of the Star News and Tribune, stated they insulted Mayor Reyes and should shut down until they apologize, stated the resident who insulted Ms. Paras owes her and her father an apology, suggested starting the Council Meetings at 6:00 p.m., stated the meeting should be adjourned in memory of all in the County who gave their lives to protect us, stated it is National Law Enforcement Officers Memorial Month, and stated Deputy March will be missed.

Gene Jones, 1939 Wardell, stated at the former school district where he worked, speaker cards were used, suggested those speaking on the same topic have three minutes, asked how to get an item on the Agenda, stated he heard fence heights are not tightly enforced, stated he would like to have the pool time extended, asked that Council consider changing the rules about being rejected from the mentor program, stated he got fired from a school district for talking out, stated there should not be fighting, and stated he is too old for being placated.

Moseley stated there is no effort on behalf of code enforcement to enforce one ordinance in one area of the City differently than the other, stated Mr. Anderson is available to speak with, and stated traditionally items are placed on the Agenda by staff and Councilmembers.

Fasana noted the fence height issue will be on a future Agenda. Chapjian stated any Councilmember could be called about an Agenda item, as they are all listed. Duff

stated there are five City Commissions made up of citizens who make recommendations to City Council.

Beverly Firth, 622 Woodbluff, provided a petition signed by residents in support of the City Manager and staff, and demanded there be an investigation of the charges.

Stephanie Hanks, 815 Random Lane, thanked the City Council for listening to the citizens who demanded that Mr. Duff not leave, stated Mr. Reyes' letter does not do anything to clear his name, pleaded with the City Council to do something, read a statement from a citizen regarding Mr. Reyes, stated Mr. Reyes puts himself and his family above the law, stated he expects and demands special favors, stated she would like to see the tape of the incident involving the Sheriff so as to judge who was disrespectful, demeaning, and insulting, and suggested that Mr. Reyes take himself out of first place.

Holiday McVey, 240 Opal Canyon, thanked Mr. Duff for being here, asked if the Brown Act and Code of Ethics were violated, what would be done about it, stated there is an obligation to look into things, insisted that an investigation be made about the concerns of staff and other things that came up tonight, stated Ms. Paras has had three weeks to look at the facts, asked if she supported City staff and could give Mr. Duff a vote of confidence, and pleaded with City Council to set forth an investigation.

Ana Verone, 1818 Broadland, stated she hopes the decision is for Mr. Duff to stay for the long run, stated she loves this town, stated all make mistakes, stated her opinion is there is no need for an investigation, as it will lead to more fights, and suggested this be dropped and we move forward.

Paul Lisak, 2589 Sunnydale, stated if one is accused, it should be investigated and solved, stated although he did not have a lot of dealings with Mr. Duff, he has had nothing but positive feedback, suggested setting up criteria, measuring objectively, not subjectively, and keeping emotions out of it, stated none of the Councilmembers are politicians as politicians compromise, negotiate, and make decisions, stated Irv Tons is a good compromise candidate for the Planning Commission, stated Council is expected to work with each other, stated it is nonsense to blame one person for the union, and suggested a sensitivity class, as people may need to be re-educated.

John Jansen, 3557 Brookridge, stated the City Council is made up of good people who want to do the best for the community, stated he does not understand how we arrived at this point, stated Mr. Duff has done a lot for the town, stated there is need for an arbiter to work things out, and stated for the sake of the community, he hopes and prays this can be worked out.

Karl Uhlig, 311 Mountaincrest, asked how to get something on the Agenda, stated during the election, all Councilmembers agreed it was a good idea to consider ethics rules for City Council, with regard to limiting the public's time to speak, stated some topics are complex, and stated the public has a lot of good things to say and should be allowed to provide Council with their opinions.

Jim Kirchner, 2659 Gardi, stated is it after 10:00 now and Council has not gotten to the main part of the business meeting, stated this is creating some problems for those with business to speak about, stated with regard to the employees' statement, Mayor Reyes' flyer confirms that the accusations about wanting to fire the City Manager, requesting copies of proposals before bid processes are completed, and the demand for confidential sales tax information have now become facts, stated an investigation may clear the air, stated another issue is the number of employees who have spoken about real concerns and insecurities about their jobs, stated Council has a responsibility to get to the bottom of those allegations, stated there are 45 employees with real issues, City Council has done nothing, and the City is vulnerable to lawsuits, stated leadership and accountability are missing, and stated Council has a responsibility to the employees, themselves, and to the citizens to find out what is going on.

RECESS

Mayor Reyes called a Recess at 10:05 p.m. City Council reconvened at 10:19 p.m., with all members present.

COUNCIL BILLS

Council Bill 02-R-08
Watershed and Open Space

Bob Cochran, Rivers and Mountains Conservancy, stated the proposed resolution represents the policy document, and is a set of guiding principles about how to go about restoring the San Gabriel and Los Angeles Rivers.

Moseley read by title Council Bill 02-R-08:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING THE SAN GABRIEL AND LOS ANGELES RIVERS WATERSHED AND OPEN SPACE PLAN

RESOLUTION NO. 02-08

Finlay moved, Chapjian seconded to waive further reading and adopt Resolution No. 02-08, and carried unanimously.

Council Bill 02-R-14
Locally Preferred Alternative
(Metro Gold Line)

Gene Jones, 1939 Wardell, stated he attended the meeting about this item, felt the City should consider a light rail system on Duarte Road, and stated electricity is less polluting than diesel.

Paul Taylor, representing the Gold Line, stated the County's newest rapid transit line is nearing completion, stated there must be a designation for a locally preferred alternative, and stated the recommendation by staff is for light rail transit, which would be an extension of what is being built from Los Angeles to Pasadena.

Chapjian stated he has a letter from the Governor's office to the House Transportation Committee in support of light rail.

Fasana stated this is a step forward, now that Phase 1 is ready to open, the next step is to assure there is a smooth transition to Phase 2, and stated there has been support from numerous cities and a unified approach.

Chapjian inquired if the study would include above and below grade. Mr. Taylor responded yes.

Moseley read by title Council Bill 02-R-14:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ADOPTING THE LOCALLY PREFERRED ALTERNATIVE PERTAINING TO THE METRO GOLD LINE

RESOLUTION NO. 02-14

Fasana moved, Chapjian seconded to waive further reading and adopt Resolution No. 02-14, and carried unanimously.

ITEM – CITY COUNCIL
Discussion/Action
Employees’ Statement – Intent to Form a Union (Chapjian)

Chapjian stated the intent is to be pro-active in terms of protecting the City and the taxpayers from potential fiscal liability, stated there are serious accusations of behavior, stated it would be remiss to do nothing, stated he will call for an independent investigation and get this behind them, stated there may be a need for sensitivity training as to how to deal with staff to see if this is creating a hostile work environment, stated the City would be facing some serious legal liability, stated he spoke with a personnel attorney, he has received several calls at his house as to why there has been no action taken, and stated the motion is to hire someone to look at this, put it behind them, and move on with the City’s business. Fasana seconded the motion.

Steve Hernandez, 2327 Park Rose, stated he is impressed with staff, stated they attend functions and participate, stated he does not think unions serve productive purposes, stated he thinks staff and residents need protection, stated there are talented grant writers and he is not willing to see that lost, stated he feels there is a need for sensitivity training, and stated all need to get together and go through this.

Linda Acosta, 2656 Bashor, stated she supports City employees, stated she was the victim of a layoff when she worked for a City and her manager was asked to resign, stated a friend of the director was hired, she was let go and there was no union, stated when she worked for Arcadia, there was a union, it worked well, and there was not a hostile environment, stated when she worked for another city, the City Council made a decision to hire residents, after the election the new Mayor wanted his people, employees were insecure and afraid of losing their jobs, stated she was replaced by an employee’s cousin and there was no union, and stated she has had very positive experiences dealing with the City Manager and employees.

Steve Warner, 2446 Markwood, stated the swimming pool will not be used in cold weather, read names of those who signed a petition in support of the City Manager and staff, stated he wants to see this issue taken care of, stated Mr. Reyes noted that all make mistakes, stated Mr. Duff does not want to leave, stated he had heard the rumor for years about Weber Printing, stated Mr. Reyes raised \$38,000 in the last campaign and should pay them, stated the issue has to be put to rest, and stated if there has to be an investigation, it should be done.

Karl Uhlig, 311 Mountaincrest, stated it is time to look at this and put it to rest, and stated he supports the motion.

Lino Paras, 2523 Elda, stated Mr. Woodson has taken the responsibility to initiate an investigation, stated he also will follow it up, stated he will ask for an investigation of all sides and possibly include the shredding of documents

sides and possibly include the shredding of documents during the trash renewal procedure, stated the City of Duarte through their consultants shredded documents, suggested waiting until the next election, and stated Council should go back to the business of serving the people.

Finlay asked what type of information Mr. Paras has about shredding of documents. Mr. Paras stated he does not know the resolution of the shredding, stated Mr. Leech represented the City with regard to that, and stated it was the documents that were shredded by the consultant hired by the City during the Burrtec-Newco case.

Moseley stated the Newco case has been resolved and the City prevailed, stated he does not know the specifics, stated we know of no instances of wrongful shredding, stated it is not uncommon for cities to have shredding machines for confidentiality purposes, and stated there is nothing illegal about the concept of shredding documents for confidentiality purposes.

Harb Thind, 2593 Willowglen, stated Duarte is not a small city anymore, stated the Equal Employment Opportunities Commission and the California Department of Fair Housing and Employment are very active in looking into any allegations of employees against employers, and stated he thinks we would be well-advised to have a full-fledged inquiry.

Fasana inquired as to what is being contemplated.

Chapjian stated as a body, Council could hire a qualified HR consultant to investigate and set the course straight, so there is not a hostile work environment created, and have a professional resolve whether the charges are true or not, and what can be done to remedy the situation.

Moseley stated allegations of this nature can have serious ramifications on the community, it appears to be appropriate for an independent investigation, and that it is not unusual for cities to conduct either external or internal investigations in order to determine whether or not there have been any issues that may give rise to a hostile work environment. Moseley noted the motion is to direct staff to seek a human resources individual to conduct an independent investigation concerning these allegations and submit a contract to City Council for consideration.

Duff stated if there is going to be an investigation, it is important for the process to be as clean as possible, and suggested that staff not solicit the proposals, rather it may be more appropriate for the City Attorney to do it, as it would enhance the credibility of the final product.

Moseley stated that would not be a problem, stated investigations of this nature carry a confidentiality, asked that any results be discussed first in Closed Session, as it could involve some aspect of City liability, stated he will assume the responsibility if so charged, and stated he could provide contracts with an estimated cost and scope of services for consideration at the next Council Meeting.

Mayor Reyes read his response as written in his report to the community, stated there is a breakdown in trust, stated there is a need to look at everyone on the City Council,

stated there should be a substitute motion and everybody should be looked at by whatever jurisdictions we fall under, stated the breakdown in trust is not just with staff but with the City Council, stated if he gets the documents he requested and everything is up to par, he will be the first to say he is sorry, and stated he will take some of the blame, but he is not the only one that should be pointed at.

Fasana inquired about Mayor Reyes' statement that he personally observed favors involving the hiring of staff.

Mayor Reyes stated at a League dinner, someone who served on an interview panel said that an individual hired was not the most qualified, but was enthusiastic.

Paras inquired if the motion was that Mr. Moseley would seek an investigator to review all City Councilmembers and staff, stated others indicated they would take it upon themselves to conduct investigations, stated she respects Mr. Duff's comments, and asked if it would be discussed in Closed Session.

Moseley stated it would be his intent to solicit up to three proposals from reputable individuals who have a work history and good reputation on conducting independent investigations, noted some statements do not relate to City exposure liabilities, stated he would bring back to Council what they could seek in terms of an investigation, and stated there are cost factors involved, as well as the breadth and scope of investigation.

Paras stated the team building workshop has been postponed again, and stated there is a need for a referee.

Chapjian stated this would not be a facilitator, it would be someone to look at the issues to protect the City and taxpayers, stated sealed bids cannot be opened before the date, stated other Councilmembers do not have access to those things, and stated hostile work environment issues put the employer at risk for being sued.

Moseley stated the work product that would result would be deemed confidential, and would be taken to Closed Session first.

Fasana stated with regard to the favoritism, he remembers attending one League meeting with Mr. Reyes and does not remember the person coming up to them, stated when he speaks of enthusiasm, he thinks of presumably the hiring of Kristen Hopper, and presumes the implication is because of her father. Mayor Reyes asked who is her father. Fasana stated her father is Don Hopper, Monrovia City Manager, and stated if that is what the allegation is, she scored consistently above the other candidates, so he sees where Mr. Reyes is trying to connect lines, but he does not think that is evidence, and stated it sounds like this person clearly scored higher than the others.

Chapjian stated if that is another issue, maybe the investigation could include looking at hiring practices, the oral panel, and how they are set up.

Reyes moved, Paras seconded a substitute motion to call for an investigation of all elected officials, to also include the City Manager, and have the FPPC and whoever needs

to look at it, to include contracting and hiring practices, as all are subject to question, stated if he had received items he had asked for, be it final accountings on purchases of property on Huntington Drive or a final project, maybe we would not be here, and stated he thinks it needs to go beyond the scope of just himself.

Fasana stated the issue is a specific complaint with specific allegations from the employees, stated if specific subject matters such as hiring practices want to be added, he is fine with that, and stated he would not support looking at a blanket of items and all sorts of papers.

Finlay requested the employees' statement be put into the record verbatim. Fasana stated he would not like to do that, the minutes are burdensome, and stated it has been covered substantially.

Finlay stated we are under obligation by the Fair Employment Housing Act Section 12940 to investigate this as a hostile work environment, noted Bell Gardens paid out 21 settlement claims totaling \$2.1 million in the last 10 years, stated there is no option, it must be investigated, stated she discussed this with the City's insurer and the insurer said the same thing, as it is a hostile work environment case, and stated there is a need to follow through with this.

Mayor Reyes stated he would like to sit down with the employees and talk about this, and stated he supports probably 95% of the employees.

Paras stated specific answers are asked from the Mayor, and stated she thinks the allegations need to be specific.

Moseley stated the investigation would include interviews, but he would not predetermine what would be said, what would be asked, or who would be talked to.

The substitute motion failed by the following Roll Call vote:

AYES: Paras, Reyes

NOES: Chapjian, Finlay, Fasana

Moseley restated the main motion is to direct the City Attorney to bring back to the Council a contract with the scope of services and cost for an independent investigation, which will primarily be surrounding allegations contained in an employee-generated letter arising out of the petition to unionize, and the investigation could include the City's hiring practices.

Fasana stated Mayor Reyes' information about the Foothill Task Force was out of context, the Pic 'N Save center information was mischaracterized in terms of the process, stated City Councilmembers should not have access to sealed bids as it taints the process, stated with regard to personnel, staff has moved toward being more diverse, stated his interactions with the employee mentioned by Mr. Reyes are that she is highly enthusiastic and productive, stated with regard to the Sheriff's issue, all Councilmembers looked at the tape, stated he was not sure the deputy was perfect, but the deputy was courteous and professional, and felt he was definitely baited, and stated he was comfortable with the conduct of the officer and felt the officer was doing his job.

Moseley stated the main motion is to direct the City Attorney to bring back to the Council a contract for a proposal of services for an independent investigation of allegations set forth in the employee-generated letter, and to include an investigation in general of the City's hiring practices.

The main motion carried by the following Roll Call vote:
AYES: Finlay, Fasana, Paras, Chapjian, Reyes
NOES: None

PUBLIC HEARING
Council Bill 02-R-12
Vacation – Edie Drive

Mayor Reyes announced this was the time and place set for a Public Hearing to consider the vacation of a portion of Edie Drive.

Ed Cox, Director of Community Development, provided a staff report.

City Attorney Moseley asked City Clerk Akana if notice of the hearing had been given. Akana stated the notice had been given and the affidavit was on file.

Mayor Reyes asked if any written communications had been filed in the matter. Akana stated there were none.

Mayor Reyes asked if there was anyone in the audience who wished to be heard on this matter. There were none.

Fasana moved, Chapjian seconded to close the Public Hearing, and carried unanimously.

Moseley read by title Council Bill 02-R-12:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE ORDERING THE VACATION OF A PORTION OF EDIE DRIVE

RESOLUTION NO. 02-12

Fasana moved, Paras seconded to waive further reading and adopt Resolution No. 02-12, and carried unanimously.

CONSENT CALENDAR

Chapjian moved, Fasana seconded to approve the Consent Calendar.

Paras requested Page 6189 of the Minutes be amended to include "Paras...**stated she had requested a copy of the City Manager's contract.**"

Fasana moved, Chapjian seconded a substitute motion that in the future when amendments to the Minutes are requested, the Minutes not be approved, staff would be asked to review the tape, with the Minutes continued to the following meeting, and carried by the following Roll Call vote:

AYES: Fasana, Paras, Chapjian, Finlay, Reyes
NOES: None

The main motion to approve the Consent Calendar, other than the Minutes, as follows, carried unanimously.

Approve Items B, C, E, G.
Receive and File Item F.
Deny Item D.

COUNCIL BILLS
Council Bill 02-R-15
CIWMB Tire Playground
Cover Grant

Council Bill No. 02-R-15 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, SUPPORTING THE APPLICATION FOR THE CALIFORNIA INTEGRATED WASTE MANAGE-

MENT BOARD WASTE TIRE PLAYGROUND COVER GRANT

RESOLUTION NO. 02-15

Fasana moved, Finlay seconded to waive the reading and adopt Resolution No. 02-15, and carried unanimously.

Council Bill 02-R-16
Council Reorganization
(Continued to 5/28/02)

Mayor Reyes stated that this item would be continued to the May 28, 2002, City Council meeting.

CITY MANAGER
Summary of Bids
Slurry Seal Streets – Phase 1
Doug Martin Contracting

Fasana moved, Paras seconded to award the contract to Doug Martin Contracting for Slurry Seal Streets – Phase 1, per staff recommendation, authorize execution by the Mayor, and carried unanimously.

Notice of Completion
Removal and Replacement of
Concrete Pavement – Phase 1
Hardy & Harper, Inc.

Fasana moved, Paras seconded to accept the Removal and Replacement of Concrete Pavement – Phase 1 project, per staff recommendation, authorize the City Clerk to file the necessary Notice of Completion together with release of bonds, and carried unanimously.

ORAL COMMUNICATIONS

Jeff Woodson, 2334 Beardslee, stated by changing the amount of speaking time, he perceives they want to silence him, stated his reason for initiating an investigation is to remove it from the Council's hands, encouraged citizens to contact him, requested timely posting of Minutes on the website, requested Commission meetings be recorded, stated when Ms. Paras said she was placed in awkward situations and abstained from voting, stated if it is too tough for her, suggested that she resign, stated he hopes she does not resign, suggested tapping into the knowledge of senior residents, and asked that there be no more abstaining from votes.

Dennis Verhagen, 3204 Tannencrest, stated employees have the right to unionize, and stated the City Council is not taking action to assist the employees.

Moseley stated the City has made it clear it is not opposed to a petition for a union, it is following the procedures and guidelines to allow the employees to select the union of their choice, stated the vote to select 347 SEIU Service Employees International Union was successful, and stated certification will be coming to the City Council.

Steve Hernandez, 2327 Park Rose, stated he is not against Ms. Paras, stated he has seen things done that he thought could not be done, thanked Mr. Duff and staff, stated he appreciates the work they do, stated staff does not try to get acknowledgment for things they have done, thanked City Council, and stated City Council is up there because somebody believes in them and that they can do the job.

Karl Uhlig, 311 Mountaincrest, requested Minutes of the meetings and Agendas stay on the website instead of being replaced by the latest ones, stated it preserves the public record, and serves the public the best.

Lino Paras, 2523 Elda, stated at the last meeting, he asked Ms. Paras about abstaining from the vote, and stated now that she has information and experience, asked if her vote of confidence is yes or no.

ITEMS – CITY COUNCIL
(Two Continued Items)

It was determined that Items 16.A (Discussion concerning work study session prior to the City Council Meetings – Paras) and 16.B (Discussion concerning fireworks at Royal Oaks Park – Reyes) would be continued to the meeting of May 28, 2002. It was noted that the Economic Development Commission appointed Ed Houlemarde to the Downtown Duarte Task Force.

CHAPJIAN: 1) Stated the artwork should be placed at Sav-On. Duff stated this item will be brought back at a future meeting;); 2) Thanked those who were involved in the Multi-Cultural Festival, and thanked DCTV for filming the event; 3) Suggested leaving the old minutes on the website; and 4) Requested a discussion about opening of City mail addressed to the Mayor be agendized.

FINLAY: Congratulated all for the good job at the Multi-Cultural Festival.

FASANA: 1) Congratulated all involved with the Multi-Cultural fair; 2) Thanked those involved in the restoration of the home on Buena Vista and Maynard, and stated there was a lot of staff and community involvement; and 3) Stated there have been obscenities used at previous Council Meetings, and asked that speakers not indulge in using those words.

PARAS: 1) Stated with regard to the Oral Communications item, the Council conducted the City's business in public; 2) Stated the Duarte High School cheerleaders work as a team, and she respects and appreciates that; 3) Stated she appreciates Mr. Woodson's comments, the residents are owed their opinions and so is the City Council, and she feels she does her job and serves the people from her heart; and 4) Stated if a vote of confidence were to take place this evening, stated she supports the City Manager and staff to focus on the issues at hand, stated the healing process needs to begin with all, and stated her vote of confidence is yes.

REYES: Stated he met with some residents of Three Ranch Road east of Buena Vista, there is the potential of dedicating that part of the street to the City, and noted staff will put some rough numbers together.

ADJOURNMENT

Fasana moved, Finlay seconded to adjourn the meeting at 12:17 a.m., May 15, 2002, in memory of Deputy David March, and carried unanimously.

Mayor Phillip R. Reyes

ATTEST:

City Clerk Marla Akana